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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

June 30, 1980

B-199190
CED 0-286

The Honorable Thomas L. Ashley
Acting Chairman, Committee on Merchant
Marine and Fisheries
House of Representatives

Dear Mr. Chairman: *(Comments on)*

On May 16, 1980, a bill (H.R. 6979 [96th Congress]) to improve coastal management in the United States and for other purposes, was reported with an amendment by your committee. The bill contains a General Accounting Office auditing and reporting requirement which we believe is unnecessary and undesirable.

Section 12 of the bill would established a process for congressional disapproval of final rules promulgated by the Secretary of Commerce pursuant to the Coastal Zone Management Act of 1972 (U.S.C. 1450 et seq.). This provision would take effect on the date of enactment of the bill and expire on September 30, 1988. Subsection 12(e) would provide that:

"(e)(1) The Comptroller General shall prepare a report which examines the review of the Secretary's rules under this section. Such report shall--

- A. list the final rules submitted to the Congress by the Secretary during the period in which this section is in effect;
- B. list the final rules disapproved by the Congress under subsection (a)(2);
- C. specify the number of instances in which the Secretary promulgates a final rule in accordance with subsection (c); and
- D. include an analysis of any impact which the provisions of this section have had upon the decisionmaking and rulemaking processes of the Secretary.

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(2) The Comptroller General shall submit the report required in paragraph (1) to the Congress before the end of fiscal year 1982."

We believe this provision is unnecessary. Our Office already has sufficient authority to carry out such studies, and alternative methods exist for congressional committees to obtain needed information with less risk of precluding or disrupting our other work.

As you know, under section 204 of the Legislative Reorganization Act of 1970, as amended, we perform requested reviews for committees having jurisdiction. We believe use of this provision would be mutually advantageous to a legislative requirement, because it would permit us to agree on specific areas of interest to the committees and thereby concentrate on the matters of greatest concern. Further, our report timing can be more flexible and may, as a result, be more helpful than a fixed reporting requirement.

The problem, simply stated, is this. Existing provisions allow you or other committee chairmen having jurisdiction to request that we prepare a report similar to that required in the bill whenever such a report is felt to be needed. This could be done with respect to the subject bill. For example, Section 12(e) of the bill would require a Comptroller General's report by the end of fiscal year 1982. Since the provision of Section 12 would not expire until September 30, 1988, any similar reports required by congressional committees between fiscal years 1982 and 1988 would be done on the basis of a specific request.

In addition, if the problems now envisioned diminish in the future, we would not be required to carry out the audit. But if the requirement were enacted into law, we will have to draw on our limited staff resources whether or not the matter was of any particular interest at the time. Such a requirement might prevent us from being able to take on work of much greater interest to you sometime in the future.

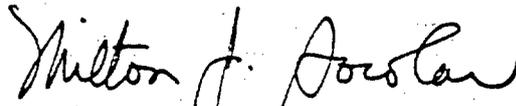
We believe that retaining flexibility in our relationship with the various congressional committees is in both our interests, and we would appreciate your help in

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removing from H.R. 6979 the provision requiring the
Comptroller General's evaluation and report.

We are sending a copy of this letter to Congressman
Paul N. McCloskey.

Sincerely yours,

A handwritten signature in cursive script that reads "Milton J. Fowler".

Acting Comptroller General
of the United States